

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CHARTIS SPECIALTY INSURANCE
COMPANY,

Plaintiff,

VS.

TESORO CORPORATION,

Defendant.

C.A. NO. 5:11-cv-00927-OLG-PMA

**PLAINTIFF CHARTIS SPECIALTY'S NOTICE OF ORDER TRANSFERRING
PARALLEL CALIFORNIA ACTION TO THIS COURT**

Plaintiff Chartis Specialty Insurance Company (“Chartis Specialty”) respectfully notifies the Court of a March 2, 2012 Northern District of California order transferring a parallel matter—*Tesoro Corp. et. al v. Chartis Specialty Ins. Co.*, 4:11-cv-05718-PJH—to this division. The order relates to the Motion to Dismiss, Stay, or Transfer that is pending before this Court. (Dkt. #8).

Chartis Specialty filed this lawsuit on November 7, 2011 in the Western District of Texas, which is where Plaintiff Tesoro Corporation (“Tesoro Corporation”) has its headquarters. (Dkt. #1). Tesoro Corporation, along with its subsidiary Tesoro Refining and Marketing Company (“Tesoro Refining”), responded by filing a competing action in the Northern District of California 22 days later, on November 29, 2011.

On November 30, 2011, Tesoro Corporation filed in this Court its Motion to Dismiss, Stay, or Transfer the proceedings to the Northern District of California, arguing that an exception to the first-to-file rule should apply and that this Court should defer to the California action. Chartis

Specialty filed its response to Tesoro Corporation's motion on December 12, 2011. The motion is now fully briefed in this Court.

In the parallel California action, Chartis Specialty filed a Motion to Dismiss, Transfer, or Stay based on the first-to-file rule on December 21, 2011. On March 2, 2012, the California court ruled in favor of Chartis Specialty and ordered that the California action must be transferred to the Western District of Texas pursuant to the first-to-file rule. *Tesoro Corp. et. al v. Chartis Specialty Ins. Co.*, 4:11-cv-05718-PJH Order at 1. The order transferring the California matter to the Western District of Texas is attached as Exhibit A.

Because the California court has agreed with Chartis Specialty that venue of the parallel action should be transferred to this division, Chartis Specialty requests that this Court deny Tesoro Corporation's motion to dismiss, stay or transfer this action. Chartis Specialty anticipates that it will promptly move to consolidate the two matters before this Court.

Respectfully submitted,

Dated: March 5, 2012

GARDERE WYNNE SEWELL LLP

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CERTIFICATE OF SERVICE

I hereby certify that a copy of foregoing was served to the following counsel of record by electronic transmission through the Court's Case Management Electronic Case Filing system on March 5, 2012.

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